

EXHIBIT A

From: Nikki Guntner
To: Meredith Garagiola; Greg Jacob; Elizabeth McKeen; John Lapin
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Subject: Alford v. NFL - Discovery
Date: Wednesday, July 3, 2024 4:38:18 PM
Attachments: [2024-07-03 Alford v. NFL Draft Rule 26\(f\) Report.docx](#)
[2024-07-03 Alford v. NFL Draft ESI Order.docx](#)
[2024-07-03 Alford v. NFL Draft Protective Order.docx](#)
[2024-07-03 Alford v. NFL Plaintiffs' Proposed Rule 26\(f\) Topics and Informal Requests.docx](#)

Dear Counsel,

Now that Judge Rubin has entered a Scheduling Order, we need to move forward expeditiously and efficiently with fact discovery. To do so, we want to raise a number of discovery issues for prompt consideration and resolution, which we have outlined below. As you will see, we would like to set aside some time for a Rule 26(f) conference as soon as possible. Please provide us with some windows of your earliest availability after the upcoming holiday so we can figure out a mutually agreeable time to meet.

Thank you in advance for timely responses to these requests. If there is anyone else we need to include on future communications relating to these issues, please let us know.

Best,
Nikki Guntner

Production of the Full Administrative Records for All Named Plaintiffs

There should be no dispute that the full administrative records for all named Plaintiffs are relevant to this ERISA action. Therefore, we ask that you produce them as soon as possible, even in the absence of serving a formal document request under Fed. R. Civ. P. 34. This is particularly true given the limitations on the number of requests for production under the local District of Maryland rules. You may produce the administrative records to us on a rolling basis, though we ask that you complete the production of all administrative records in thirty (30) days. While we would prefer to have the administrative records produced in the format specified in the attached draft ESI protocol (discussed below), in this instance we will accept the records in whatever format they currently exist subject to the agreement and understanding that that we may make reasonable requests for reproduction in a different format in the future. We will agree to treat the administrative records as Confidential Information, containing Protected Health Information, under the proposed Protective Order (also discussed below).

Rule 26(f) Conference and Report

Please let us know when you are available for a Rule 26(f) conference via videoconference. We anticipate that the conference may take up to two hours, with potential need for follow-up. In preparation for that conference and to streamline discussions, we are attaching (a) a list of proposed topics for the Rule 26(f) conference and (b) a short list of informal requests for information regarding Defendants' IT structure, systems, and data. Providing this information will make the Rule 26(f) conference more productive and allow us to tailor our written discovery and potentially avoid the need to conduct a 30(b)(6) deposition on these topics. Ultimately, our objective is to draft and jointly file an informative and useful Rule 26(f) report with the Court. To that end, attached is the

current draft version of the Joint Rule 26(f) report, which will need to be revised following receipt of information responsive to our informal requests and the Rule 26(f) conference.

Proposed ESI Protocol

Attached please find a proposed ESI protocol for your review and comment. We have modeled this draft on ESI protocols that have worked successfully in several recent and current matters. Certain provisions in the draft protocol may prove unnecessary such as those relating to non-English language documents, encryption, and the use of predictive coding. From an efficiency standpoint, we would propose that it makes sense to include discussion of the proposed ESI protocol in our Rule 26(f) conference. In the meantime, at your earliest convenience, please send us any comments, questions, or proposed revisions so we can jointly submit the proposed ESI protocol to Judge Rubin as soon as possible.

Proposed Protective Order

Attached please find a draft Protective Order. Please promptly advise us if you agree to the entry of this Protective Order in the Alford matter so we can jointly submit it to Judge Rubin as soon as possible.

Production of Exemplar Privilege Log

Our expectation is that the parties will produce privilege logs on a rolling basis tied to their productions of relevant ESI and hard copy documents (normally thirty (30) days after production). To avoid the potential cost and delays arising from disputes regarding the format or content of Defendants' privilege logs, we ask that you promptly provide us with an exemplar privilege log you would intend to use in this action. While we do not believe than any portions of the administrative record are privileged, if Defendants disagree, then you can use those files as sample data for an exemplar privilege log. If Defendants are not asserting privilege as to any portions of the administrative record, then you can use dummy data that is consistent with and reflects the contents of Defendants' future ESI and hard copy document productions. .

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